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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,905	11/21/2003	Kwcon Son	9988.068.00-US	7370
30827 7590 09/06/2007 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER PERRIN, JOSEPH L	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,905

Applicant(s)

SON, KWEON

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 13-17 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10, drawn to a method, classified in class 008, subclass 158.

II. Claims 13-17, drawn to a method, classified in class 008, subclass 158.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are directed to related processes. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed are not capable of use together and have different design, mode of operation and/or function. For instance, the method of Group I requires a microcomputer, memory key, course control device, and course execution device whereas the method of Group II does not. In addition, the method of Group II requires receipt of a first control signal and a second control signal which is not required for Group I. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

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4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

5. Applicant's arguments filed 13 August 2007 have been fully considered but they are not persuasive.

6. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

7. Regarding PAYNE, applicant argues that PAYNE does not disclose "displaying default parameters of the course selected in said selecting step" and "selecting the memory function a first time, wherein the selection of the memory function clears the displayed default parameters and displays the customized parameters corresponding to the selected course in the first selecting step". First, the Examiner notes that any programmable controller will necessarily clear a default parameter and store a customized parameter upon programming, such being simple common sense and common knowledge in the art. This general concept is well known and not considered a patentable modification, and the record provides no clarification on how such concept is

patentable with respect to the claimed invention. Second, PAYNE clearly describes updating a display to indicate the status of the machine (see entire document, for instance, col. 9, lines 4-8). One having ordinary skill in the art would immediately understand that updating the display necessarily must clear a default display and replace it with or store a customized display (PAYNE is directed to customizing washing machine cycles). Applicant's argument that the disclosed "status" is not a "parameter" is not persuasive because of the immense breadth given to the recitation of a "parameter" and the recitation of any function of a wash cycle including the "status" would be clearly indicative of the broad recitation of a "parameter". Thus, the "status" of PAYNE manifestly incorporates wash cycle parameters and reads on applicant's claimed invention.

8. Regarding the §103 rejection over PAYNE and TSUI, applicant argues that TSUI does not overcome the deficiencies of PAYNE. This is not persuasive because PAYNE is not deficient for reasons indicated above.

9. It is noted that the claimed invention appears to be generic to read on virtually any programmable washing machine which stores customized wash cycles since the storing of such parameters necessarily includes clearing or storing over the default wash cycle or "parameters". Applicant is urged to clarify how the claimed invention differs from the well established concept of customizing washing parameters in a washing machine having a programmable controller such as that in PAYNE.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential cooperative relationships of elements and steps, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the structure of the preamble and the method steps of the body of the claim, which are essential, are not cooperatively interrelated as required in 2172.01, and therefore fail to meet the requirements of 112, second paragraph. See, for instance, the original disclosure which describes the claimed structures interrelated with performing the claimed method steps. Correction is required.

Claim Rejections - 35 USC § 102

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
13. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by PAYNE (previously cited). Re claims 1-4, PAYNE teaches a washing machine having memory for storing default washing parameters and customizing the washing parameters via input means for selectively performing washing programs in a controller (with structure readable on a course control device and course execution device). The updating of the status on the display reads on displaying the default and updating to the customized

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program which necessarily includes washing course parameters by clearing the default and storing the customized via programmable memory (see, for instance, col. 1, lines 44-54, Figure 1 and relative associated text, and col. 9, lines 5-6). Re claims 5-9, the position is taken that the user selection in PAYNE reads on the claimed pressing or actuating a "memory key" since PAYNE clearly discloses a user inputting customized parameters which are stored in memory and such function fully anticipates "pressing" a "memory key" for a "predetermined time" of "less than three seconds".

Claim Rejections - 35 USC § 103

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over PAYNE in view of U.S. Patent Publication No. 2002/0163440 to TSUI. Recitation of PAYNE is repeated here from above. Although PAYNE clearly discloses inputting by user to customize and store parameters PAYNE does not expressly disclose inputting by pressing for at least three seconds to customize and store parameters. TSUI teaches that it is known to press and hold a controller button in an appliance control system to store desired parameters in a memory (see paragraph [0042]). The position is taken that it would have been within the level and skill of one having ordinary skill in the art at the time the invention was made to provide the inputting means of PAYNE of selecting parameters which are stored to memory with the function of press holding the inputting means to store to memory, as disclosed by TSUI, in order to effectively store

parameters. Moreover, there would be a reasonable expectation of success in programming the controller of PAYNE to require a press hold of the input to perform a storage function.

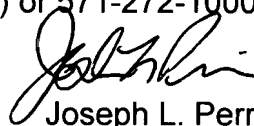
Further, regarding the press hold time of "greater than three seconds", it is to be expected that a change in range would be an unpatentable modification. Under some circumstances, however, changes such as these may impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely degree from the results of the prior art, such ranges are termed critical ranges and the applicant has the burden of proving such criticality. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233, 255 (CCPA 1955). See also *In re Waite*, 77 USPQ 586 (CCPA 1948); *In re Scherl*, 70 USPQ 204 (CCPA 1946); *In re Irmischer*, 66 USPQ 314 (CCPA 1945); *In re Norman*, 66 USPQ 308 (CCPA 1945); *In re Swenson*, 56 USPQ 372 (CCPA 1942); *In re Sola*, 25 USPQ 433 (CCPA 1935); *In re Dreyfus*, 24 USPQ 52 (CCPA 1934). The Examiner further notes that the press hold storage function is common knowledge in the controller art and is not in itself considered a point of novelty. An example of such common knowledge in the controller art is the press hold storage function of electronics such as radio input controls.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joseph L. Perrin, Ph.D.
Primary Examiner
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JLP